



January 21, 2015

SENATE BILL No. 212

DIGEST OF SB 212 (Updated January 20, 2015 11:50 am - DI 106)

Citations Affected: IC 11-10; IC 12-15; IC 36-2.

Synopsis: Inmates and Medicaid. Makes the department of correction (department) an inmate's authorized representative for applying for Medicaid for inmates who are potentially eligible for Medicaid and who incur medical care expenses that are not otherwise reimbursable. Requires the department and the office of the secretary of family and social services to enter into an agreement in which the department pays the state share of the Medicaid costs incurred for the inmate. Allows a sheriff to apply on behalf of a lawfully detained individual for Medicaid and act as the person's Medicaid representative if the sheriff enters into an agreement with the office of the secretary of family and social services to pay the state share of the Medicaid costs incurred for the person.

Effective: July 1, 2015.

**Miller Patricia, Young R Michael,
Arnold J, Steele, Tallian**

January 6, 2015, read first time and referred to Committee on Corrections & Criminal Law.
January 20, 2015, amended, reported favorably — Do Pass.

SB 212—LS 6596/DI 104



January 21, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 212

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-10-3-7, AS ADDED BY P.L.205-2013,
2 SECTION 170, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a)** If the department or a county
4 incurs medical care expenses in providing medical care to an inmate
5 who is committed to the department and the medical care expenses are
6 not reimbursed, the department or the county shall attempt to determine
7 the amount, if any, of the medical care expenses that may be paid:
8 (1) by a policy of insurance that is maintained by the inmate and
9 that covers medical care, dental care, eye care, or any other health
10 care related service; or
11 (2) by Medicaid.
12 **(b) For an inmate who:**
13 **(1) is committed to the department and resides in a**
14 **department facility or jail;**
15 **(2) incurs medical care expenses that are not otherwise**
16 **reimbursable;**

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(3) is unwilling or unable to pay for the inmate's own health care services; and

(4) is potentially eligible for Medicaid (IC 12-15);
the department is the inmate's Medicaid authorized representative and may apply for Medicaid on behalf of the inmate.

(c) The department and the office of the secretary of family and social services shall enter into a written memorandum of understanding providing that the department shall reimburse the office of the secretary for the state share of the Medicaid costs incurred for an inmate.

SECTION 2. IC 12-15-4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) The department of correction is, for an inmate described in IC 11-10-3-7(b), the inmate's Medicaid authorized representative.

(b) A sheriff who:

(1) agrees to the requirements set forth in IC 36-2-13-19; and

(2) applies for Medicaid for a person who:

(A) is subject to lawful detention; and

(B) described in IC 36-2-13-19;

is the inmate's Medicaid authorized representative.

SECTION 3. IC 36-2-13-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) This section applies to a person who:

(1) is subject to lawful detention;

(2) incurs medical care expenses that are not otherwise reimbursable during the lawful detention;

(3) is unwilling or unable to pay for the person's own health care services; and

(4) is potentially eligible for Medicaid (IC 12-15).

(b) A sheriff may:

(1) apply for Medicaid on behalf of a person described in subsection (a); and

(2) act as the person's authorized representative;

only if the sheriff enters into and complies with a written memorandum of understanding with the office of the secretary of family and social services that requires the sheriff to reimburse the office of the secretary for the state share of the Medicaid costs incurred for the person.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete ";" and insert "**and resides in a department facility or jail;**".

Page 1, line 15, delete "and".

Page 1, line 16, after "(3)" insert "**is unwilling or unable to pay for the inmate's own health care services; and (4)**".

Page 2, line 24, delete "and".

Page 2, line 25, after "(3)" insert "**is unwilling or unable to pay for the person's own health care services; and (4)**".

and when so amended that said bill do pass.

(Reference is to SB 212 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 8, Nays 0.

